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## Merrywood Zoning Case Before Court

CPYRGHT

A challenge to the Merrywood zoning came before Fairfax Circuit Court on Wednesday. (Conclusion of the case was expected later this week, after the Journal went to press.)

The suit attacks as arbitrary and capricious the action of the Board of County Supervisors last April in rezoning the 46-acre Merrywood estate of Hugh D. Auchincloss for tower apartments.

Plaintiffs in the action are residents of the area: Mr. and Mrs. Edward P. Morgan, Mr. and Mrs. John A. Bross, Mr. and Mrs. Walter T. Ridder, Mr. and Mrs. George Southall, Mr. and Mrs. Talbot W. Jenkins, Mr. and Mrs. Michael L. Lejeune, Mr. and Mrs. James E. Hoyle, and Mr. and Mrs. James Miscampbell.

The court previously had rejected arguments that Supervisor A. Claiborne Leigh was not a legal resident of the County at the time of the vote, and that Virginia law requires an affirmative vote of six of the seven Supervisors to rezone the property.

Since the Board vote, there have been various attempts to find a way to thwart plans for construction of the apartment project on the property bordering the Potomac River just above Chain Bridge.

Representative Henry S. Reuss of Wisconsin has urged action by area planners and local governments to preserve the river banks in their natural state.

On Monday, the National Capital Regional Planning Council, at the suggestion of William H. Moss, chairman of the Fairfax Board of County Supervisors, asked the Council staff to propose a general policy for land uses along the Potomac River.